

McGuireWoods

McGuireWoods LLP
 Black Lives Matter Plaza
 888 16th Street N.W.
 Suite 500
 Washington, DC 20006
 Phone: 202.857.1700
www.mcguirewoods.com

Todd R. Steggerda
 Direct: 202.857.2477
tsteggerda@mcguirewoods.com

May 23, 2024

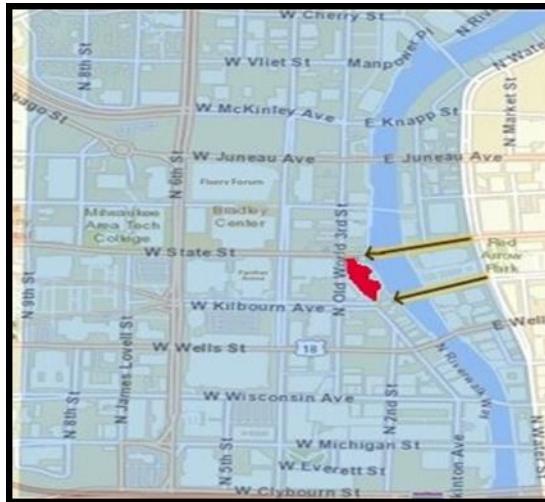
HAND DELIVERY VIA USSS S.A.I.C. GIBSON-CICCHINO, USSS 2024 RNC COORDINATOR

The Honorable Kimberly A. Cheatle
 Director, United States Secret Service
 245 Murray Ln SW - BLDG T-5
 Washington, DC 20223

Re: Unresolved Critical Flaw in the USSS's Proposed Operational Security Plan for the July 2024 Republican National Convention in Milwaukee, Wisconsin

Dear Director Cheatle,

Despite the Republican National Committee's good faith efforts over the last four weeks to work with your United States Secret Service ("USSS") subordinates to resolve the critical flaw with the Security Perimeter in the USSS's Operational Security Plan ("Plan"), which was the subject of my April 26 letter, the RNC's grave concerns about the unacceptable risk to public safety remain unaddressed. Rather than dissipating, the overall security climate has worsened significantly over the past month of the USSS's inaction, as evidenced by the public statements of the anticipated demonstrators, as detailed below. Your failure to act now to prevent these unnecessary and certain risks will imperil tens of thousands of Convention attendees, inexcusably forcing them into close proximity to the currently planned First Amendment Zone (as depicted in red in the schematic below). Inevitably, this Plan will heighten—rather than obviate or diffuse—tensions and confrontation, creating an increased and untenable risk of violence. This rapidly deteriorating security environment and the severe consequences to the public underscore the exigency of your personal leadership and action to solve this problem, as the RNC requested in my April 26 letter.



"General Impact Map," as published by the City of Milwaukee, <https://city.milwaukee.gov/RNCFAQ>

To date, the local USSS team has been unresponsive to the RNC's reasonable proposal, as set out in my April 26 letter, to alleviate these safety risks through a very modest alteration of the Perimeter – namely, to expand a small portion of the Security Perimeter approximately one block to the East to encapsulate the Park. As we informed you and your team previously, expanding the Security Perimeter to encompass the Park would lead the City to simply designate a previously-selected and permitted First Amendment Zone (Zeidler Union Square, highlighted in red below), a location that the City has already determined would meet all of its criteria. The schematic below depicts the mitigated risk to the attending public (with arrows reflecting their direction of travel from lodging to the Convention) should the USSS adjust the Security Perimeter to encapsulate the Park (highlighted in green).



This one-block adjustment is narrowly tailored to balance the multiple concrete, specific, and well-founded national security and public safety risks to the Convention, attendees, journalists, and community members (by ensuring their reasonable, safe, and efficient passage to the Convention and providing them with an essential—but modest—protective physical separation from the anticipated demonstrators) with the need to ensure the rights of peaceful protest and assembly within sight and sound of the Convention. In short, this minor extension of a small portion of the eastern side of the Security Perimeter would remedy this critical flaw while also protecting the public's freedom to peaceably assemble and demonstrate within sight and sound of the Convention, a mere three to four blocks away.

Just as the USSS recognized the unique “nature of this event” and the need to “anticipate[] the kinds of protests/demonstrators who may be present” at the planned 2020 DNC Convention in Milwaukee, here too the USSS should operationalize that understanding by “employing an appropriate, but not excessive, security perimeter” “to make sure the event will be safe and secure for those we protect and the residents of/visitors to the city of Milwaukee.” Secs. 8.2, 8.4 & 9, USSS 2020 DNC Convention Press Guidance (emphasis added). Your decision on whether to adjust the Security Perimeter to account for and mitigate this threat will also ease the burden—and lessen the risk to—the FBI, the Milwaukee Police Department, the City, and the State.

Instead of facilitating an in-person meeting with the RNC leadership team to solve this problem as we requested on multiple occasions, your USSS designee asserted on your behalf, during a May 2 staff-level meeting, that it was “legally” not possible to expand the Security Perimeter. Yet, we are aware of no legal authority that would prohibit the USSS from expanding the Security Perimeter, as the RNC has requested, in order to alleviate these clear and inexcusable risks. Indeed, there is nothing in the relevant statute, Presidential Policy Directive 22 (“PPD-22”), or USSS appropriations that constrain the USSS’s ability to adjust the Security Perimeter. *See* 18 U.S.C. § 3056(a)(7), (e)(1); PPD-22 (Mar. 28, 2013); Further Consol. Appropriations Act, Pub. L. No. 118-47, tit. II (2024). To the contrary, these legal provisions are broad grants of authority, vesting the USSS with latitude to

act to enhance security at presidential nominating conventions, including by adjusting the Security Perimeter to improve the safety of the surrounding area. And your USSS designee admitted as much in a recent meeting with the RNC and Convention leadership team, stating that you had the authority and discretion to adjust the Security Perimeter. Despite nearly a month's passage since my April 26 letter, your subordinates' sole response—modifying the location of the two primary pedestrian checkpoints and adding indoor checkpoints in two local hotels—does not suffice to remedy the fundamental defect with the Security Perimeter.

The RNC is also very troubled by the USSS's May 10 claim to the Washington Post that “[w]e have no information that there will be unrest related to the RNC Convention,” which is directly refuted by publicly reported statements from the “Coalition to March on the RNC 2024” (“Coalition”), which is a self-described “national” cohort of “groups and unions” that has been mobilizing a “mass march and rally on the first day of the RNC in Milwaukee on July 15.” Among the disturbing public statements from those whom the press is reporting as the co-chair or spokesperson of the Coalition are vows to mount a “resistance,” to flout the City’s regulations and directives from law enforcement, and to foment turmoil at the Convention:

- “we will not let [Republicans] visit without resistance” (KRDO, Aug. 6, 2022)
- “obviously nobody can make a statement like that [referring to the City’s requirement they certify no participant engaged in violent or disruptive behavior during any prior parade or public demonstration]” (Wisconsin Examiner, Apr. 15, 2024)
- “[i]f [the City is] not willing to give us a permit to march where we need to, we’re just going to march there anyway. Really, it’s up to the [C]ity if they want to create an intense situation or not” (WISN, May 13, 2024)
- “[w]e don’t feel that the police department should be in control of who gets to speak, and how these routes are going” (Wisconsin Examiner, Apr. 15, 2024)
- “we could be sharing the stage with a bunch of right-wingers, extremists, basically creating a huge conflict zone if you want to use that [terminology]” (Wisconsin Examiner, Apr. 15, 2024).

The escalating public statements of the reported leaders and spokespeople for the Coalition make it irresponsible and unrealistic for the USSS to expect this national Coalition, which has been mobilizing forces for nearly two years, and which has vowed to “tak[e] the streets . . . with thousands on July 15” (Coalition Press Release, Aug. 18, 2023), will remain peacefully in the City’s designated First Amendment Zone. And it would be equally naïve to assume that their promised “resistance” and foreshadowed potential violence will not spill into and occupy the surrounding blocks and community-at-large on the East side of the Perimeter, directly in the path of the pedestrian traffic flow of the thousands of attendees making their way from the primary lodging locations on the East side of the River to the Convention.

With less than two months before the Convention and even less time before the USSS finalizes the Plan, it is imperative you take personal and immediate steps to fix this unacceptable flaw in the design of the Security Perimeter. With your decades of operational experience and leadership roles, including your previous position as the USSS’s Assistant Director of the Office of Protective Operations, we know you appreciate the severity of the significant elevated risks presented and the urgency to act to prevent them. Given the unresponsiveness of your subordinates to this pressing security risk over the past few months, the criticality of the situation demands that you immediately provide the appropriate mandate and delegated authority to your team to adjust the Security Perimeter to alleviate these risks.

In closing, let me reiterate that the RNC, its members, and attendees are committed to ensuring that all attendees, demonstrators, journalists, and community members—irrespective of viewpoint—are safe, treated with respect and dignity, and have their vital Constitutional rights protected.

On behalf of the RNC leadership team, we look forward to your expeditious resolution of this critical flaw in the Security Perimeter, which will advance the USSS's "zero-fail" mission.

Respectfully,



Todd R. Steggerda
Counsel to the Republican National Committee

CC: The Honorable Cavalier Johnson
Mayor, City of Milwaukee